IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

CRL.A.No. 1235 of 2003()

CC.611/1999 of JUDL. MAGISTRATE OF FIRST CLASS-II, KOTTAYAM

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APPELLANT: COMPLAINANT

M.M.FINANCE CORPORATION, REPRESENTED
BY MANAGING PARTNER, SRI. JACOB THOMAS,
M.M.FINANCE CORPORATION, DOCTOR'S TOWER,
CHANGANACHERRY

BY ADV. SRI.V.PHILIP MATHEW
SRI.THANKACHAN.K.
SRI.K.J.JOSHUA

RESPONDENTS: ACCUSED AND STATE

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1. REGHUNATHAN, SHAJI VILASAM, PIDAVOOR P.O
PATHANAPURAM.

2. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1235 of 2003(A)

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Dated this the 1st day of November, 2007

J U D G M E N T

The appellant is the complainant represented by its Managing Partner in C.C.No.611/1999 in the file of the Judicial Magistrate of the First Class-II, Kottayam, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

Sd/-
K.R.UDAYABHANU,
Judge

ms

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P.A.to Judge